

Notice of Allowability

Application No.

10/674,252

Applicant(s)

MAY, DONALD

Examiner

Gay Ann Spahn

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 February 2005 communication (i.e., Response to Non-Final Office Action Mailed 12/15/04).
2. ☒ The allowed claim(s) is/are 7-25.
3. ☒ The drawings filed on 29 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S COMMENT

Terminal Disclaimer

The terminal disclaimer filed on 15 February 2005 (with the Response To Non-Final Office Action Mailed 12/15/2004) disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of co-pending United States Patent Application Serial No. 10/673,653 filed on 29 September 2003 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication No. 2002/0176749 to Provost discloses a method and apparatus for lifting, leveling, and underpinning a building foundation. U.S. Patent No. 3,796,055 to Mahony discloses a method and apparatus for underpinning and raising a building foundation. U.S. Patent No. 5,149,228 to Pienaar et al. discloses a prop preloading apparatus. U.S. Patent No. 5,171,107 to Hamilton et al. discloses a method of underpinning existing structures. U.S. Patent No. 6,079,905 to Ruiz et al. discloses a bracket assembly for lifting and supporting a foundation. U.S. Patent No. 5,951,206 to Gregory discloses a foundation lifting and support system and method. U.S. Patent No. 5,800,094 to Jones discloses an apparatus for lifting and supporting structures. U.S. Patent No. 5,213,448 to Seider et al. discloses an underpinning bracket for uplift and settlement loading. U.S. Patent No.

5,013,190 to Green discloses devices for lifting and supporting a structure and method. U.S. Patent No. 6,352,391 to Jones discloses a piercing device having a threaded shaft and helical plate. U.S. Patent No. 6,352,390 to Jones discloses a apparatus for lifing and supporting a foundation under tension and compression. U.S. Patent No. 6,908,258 to Timmerman discloses methods and apparatus for maintaining seawalls. U.S. Patent No. 6,817,810 to Jones discloses a piercing device with adjustable helical plate. U.S. Patent No. 6,814,254 to Peterson discloses a method and apparatus for lifting and stabilizing subsided slabs, flatwork and foundations of buildings. U.S. Patent No. 6,682,267 to Jones discloses a piercing device with adjustable helical plate. U.S. Patent No. 6,676,335 to Hickman discloses a structure jacking system and method. U.S. Patent No. 6,652,195 to Vickars et al. discloses a method and apparatus for forming piles in place. U.S. Patent No. 6,514,012 to Gregory et al. discloses a system and method for raising and supporting a building and connecting elongated piling sections. U.S. Patent No. 6,468,002 to Gregory et al. discloses a foundation supporting and lifting system and method. U.S. Patent No. 6,435,776 to Vickars et al. discloses a method and apparatus for forming piles in place. U.S. Patent No. 4,911,580 to Gregory et al. discloses an apparatus and method for raising and supporting a building. U.S. Patent No. 4,765,777 to Gregory discloses an apparatus and method for raising and supporting a building. U.S. Patent No. 6,264,402 to Vickars et al. discloses a method and apparatus for forming piles in place. U.S. Patent No. 6,142,710 to Holland, Jr. et al. discloses an apparatus and method for raising a foundation. U.S. Patent No. 6,079,905 to Ruiz et al. discloses a bracket assembly for lifting and supporting a foundation. U.S.

Patent No. 6,058,662 to Perko discloses earth anchors and methods for their use. U.S. Patent No. 5,800,094 to Jones discloses an apparatus for lifting and supporting structures. U.S. Patent No. 5,707,180 to Vickars et al. discloses a method and apparatus for forming piles in-situ. U.S. Patent No. 5,575,593 to Raaf discloses a method and apparatus for installing a helical pier with pressurized grouting. U.S. Patent No. 4,708,528 to Rippe discloses a process and apparatus for stabilizing foundation. U.S. Patent No. 4,695,203 to Gregory discloses a method and apparatus for shoring and supporting a building foundation. U.S. Patent No. 3,902,326 to Langenbach, Jr. discloses an apparatus for and method of shoring a foundation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Thursday, 8:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571)-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. However, this fax phone number is being phased out and will no longer be in service after September 15, 2005. The new fax phone number beginning on July 15, 2005 will be (571)-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

^{GAS}
Gay Ann Spahn, Patent Examiner
July 13, 2005



MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354